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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Elrick J. Gallow

Civil Action No. 6:04-CV-1905

versus

Judge Tucker L. Melançon

Warden, Avoyelles Correctional Center

Magistrate Judge Methvin

CERTIFICATE AS TO APPEALABILITY

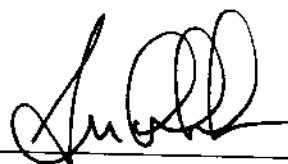
A notice of appeal having been filed on October 27, 2005 [Rec. Doc. 19] in the above captioned case subsequent to the Court's October 11, 2005 Judgment [Rec. Doc. 18] denying petitioner's §2254 motion,

Having considering the record in this case and the requirements of Federal Rule of Appellate Procedure 22(b), the Court hereby finds that a certificate of appealability should not issue for the following reasons:

Adopting the analysis contained in the Report and Recommendation of the Magistrate Judge issued herein on September 16, 2005 [Rec. Doc. 16], the Court finds that there is no basis in law or fact entitling petitioner to the relief he seeks.

Thus done and signed this 31st day of October, 2005 at Lafayette, Louisiana.

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DATE 11/3/05
BY PD
TO TLM


Tucker L. Melançon
United States District Judge